

**REMARKS****INTRODUCTION**

In accordance with the foregoing, the specification and claims 1, 5, 7, 11, 13, 14, 18, 19, 22 and 23 have been amended.

Claims 5, 11, 18, and 19 have been indicated as including allowable subject matter. Accordingly, as claims 5, 11, 18, and 19 have been amended into independent form, it is respectfully submitted that these claims are now in allowable condition.

Claims 1-23 are pending and under consideration.

**AMENDMENT AFTER FINAL**

It is respectfully requested that this After Final Amendment be entered and reconsideration given to the allowability of the pending claims.

The outstanding Office Action has indicated that claim interpretations and arguments presented in the previous Office Action were not persuasive since the Examiner was not reading the same interpretation into the claims.

However, though, as a general proposition, claim limitations are to be interpreted in light of its broadest reasonable interpretation, the broadest reasonable interpretation must also conform to the broadest reasonable interpretation afforded by one of ordinary skill in the art when read in light of the specification. In re Prater, 162 USPQ 541, 550-51, In re Morris, 44 USPQ2d at 1027, MPEP 2111.01 (7<sup>th</sup> Ed., rev. 1)(Feb. 2000).

Further, "[i]t is well settled that a patentee may define a claim term either in the written description of the patent or, as in the present case, in the prosecution history. *Honeywell Inc. v. Victor Co. of Japan Ltd.*, 63 USPQ2d 1904 (CA FC 2002); *Mycogen Plant Science v. Monsanto Co.*, 243 F.3d 1316, 1327, 58 USPQ2d 1030, 1039 (Fed. Cir. 2001). In addition, see *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996) ('[T]he record before the Patent and Trademark Office is often of critical significance in determining the meaning of the claims.'). *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 1438, 7 USPQ2d 1129, 1135 (Fed. Cir. 1988) (prosecution history 'must be examined to ascertain the true meaning of what the inventor intended to convey in the claims') *Honeywell Inc. v. Victor Co. of Japan Ltd.*, 63 USPQ2d 1904 (CA FC 2002).

Thus, as applicants previously particularly defined the claim terms in question, and as the same must be read in view of the specification, it is respectfully submitted that the aforementioned previous applicant supplied interpretation of the claim terms should have been considered by the Examiner in the outstanding Office Action. Further, the present amendments do not change the scope or breadth of the claims from applicants' previous remarks or previous claim recitations.

Accordingly, these claim term interpretations should have also been reviewed, searched, and considered in determining the patentability of the pending claims. As such, the outstanding amendments, further emphasizing claim term interpretations previously presented, do not raise new issues nor require an additional search.

Entry of this Amendment and reconsideration of the allowability of the pending claims is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102:

Claims 1-4, 6-10, 12-17 and 20-23 are rejected as being anticipated by Ikeda (U.S. Patent No. 6,607,260). This rejection is respectfully traversed.

As noted above, claims 1, 7, 13, 14, 22 and 23 have been amended to emphasize the previous applicant provided claim interpretation.

As mentioned in the previous response, in Ikeda, in order to get the distances between a-ref1 and a-F and a-ref1 and a-R, the sensor must sense the distance not only between a-ref1 and a-F but also a-ref1 and a-R. Here, the sensor must review at least 3 test marks, such as a-ref1, a-F and, a-R to get the distances, in accordance with Ikeda.

As such, it is respectfully submitted that Ikeda at least fails to disclose "sensing only the two test marks" for the measuring an image alignment error, as recited in amended claim 1, for example, as well as the claimed detecting of an actual error distance based on the two test marks.

Ikeda requires at least more than two marks.

Accordingly, it is respectfully submitted that Ikeda does not disclose the invention recited in amended claim 1.

In addition, it is respectfully submitted that amended claim 7 is also deemed to be patentable at least for similar reasons set forth above regarding claim 1, as claim 7 includes similar allowable features with differing scope and breadth.

Claims 2-4 and 6 and 8-10 and 12, which depend from claims 1 and 7, respectively, are deemed patentable due at least to their depending from claims 1 and 7.

Regarding claim 13, the Office Action sets forth that Ikeda discloses "an error distance detecting unit (fig. 1 element 13) which detects an actual error distance of the first and second test marks to compensate for the image alignment error according to the detected actual error distance and the designated error distance (column 13, lines 51-53 and column 15, lines 4-60)."

By way of review, Ikeda sets forth that:

"[i]f the following definitions are made: velocity at which the carriage moves during image reading: V

clock number count value obtained over a duration T1 in which the reference image a-ref3 recorded by the recording head A and the recorded image a-V recorded by the recording head A are read (operation 3-1): C1,

clock number count value obtained over a duration T2 in which the reference image a-ref3 recorded by the recording head A and the recorded image b-V recorded by the recording head B are read (operation 3-2): C2,

clock number count value obtained over a duration T3 in which the reference image a-ref3 recorded by the recording head A and the recorded image c-V recorded by the recording head C are read (operation 3-3): C3,

clock number count value obtained over a duration T4 in which the reference image a-ref2 recorded by the recording head A and the recorded image d-V recorded by the recording head D are read (operation 3-4): C4, and

one clock period of the reference clock input to the counter: t,

then the amount of offset of the sub-scanning direction recording position for each head is determined by '(C1-Cn).times.t.times.V' (n =2, 3, 4), that is, by the amounts of offset of the recording positions for the other heads observed if the recording head A is used as a reference." Ikeda, at col. 19, lines 11-40.

Thus, as disclosed in Ikeda, in order to calculate the error distance, the sensor should read reference image a-ref3 and recorded images a-V and b-V, i.e., at least 3 marks.

Accordingly it is respectfully submitted that Ikeda does not disclose the invention "an error distance detecting unit which detects an actual error distance of only the first and second test marks for compensating for the image alignment error according to the detected actual error

distance and the designated error distance” as recited in amended claim 13.

Regarding claim 14, the Office Action sets forth that Ikeda discloses “a test mark sensing unit which senses the first and second test marks and outputs first and second sensed results of the first and second test marks”

By way of review, as mentioned above, Ikeda fails to disclose “a test mark sensing unit which senses only the first and second test marks, for the measuring of the image alignment error, and outputs first and second sensed results of the first and second test marks” as recited in amended claim 14.

Furthermore claims 15-17 and 20-21, which depend from claims 14, are deemed patentable due at least to their depending from claim 14, as well as for the additional recitations therein.

Regarding claims 22, the Office Action sets forth that Ikeda “printing two test marks (FIG. 4, a-F, a-R) on printing medium according to a designated error distance”

By way of review, FIG. 4 of Ikeda clearly shows Ikeda needs to print three marks on printing medium, such as a-ref1, a-F and a-R. As such it is respectfully submitted that Ikeda does not disclose “printing only two test marks on a printing medium according to a designated error distance” as recited in amended claim 22.

Furthermore, claim 23, it is respectfully submitted that Ikeda does not disclose or suggest at least “sensing only the first and second test marks, for the measuring of the image alignment error, to output first and second sensed results of the first and second test marks” recited in amended claim 23.

CONCLUSION:

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

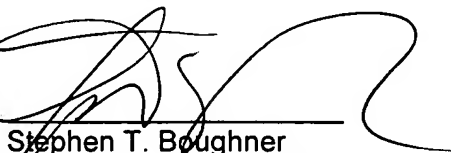
Respectfully submitted,

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8/2/05

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